

REMARKS

Informalities

The title has been amended pursuant to the Examiner's suggestion.

Rejections Under 35 U.S.C. § 102(b)

Claims 1-20 were rejected as allegedly being anticipated by U.S. Patent No. 5,870,721 to Norris ("Norris"). Applicants traverse this rejection.

Initially, applicants note that the record fails to establish a prima facie case of anticipation at least for dependent claims 2-8, 10-12, and 14-20.

To establish a prima facie case of anticipation, the PTO must demonstrate evidence that compels a conclusion of anticipation in the absence of rebuttal evidence or argument from the applicant. In re Spada, 911 F.2d 705, 708 (Fed. Cir. 1990). Neither Office Action of record in this application provides any factual basis whatsoever (or even any analysis) to support the assertion that dependent claims 2-8, 10-12, and 14-20 are anticipated by Norris. Therefore, the PTO has failed to meet its burden to establish a prima facie case of anticipation, at least with respect to dependent claims 2-8, 10-12, and 14-20. These rejections are unsupported and must be withdrawn.

In addition, Norris cannot anticipate independent claims 1, 9, and 13 because Norris fails to disclose features recited in these claims. Anticipation requires that *each and every element* of the claim must be found in the cited reference. MPEP 2131, citing Verdegall Bros. v. Union Oil of California, 814 F.2d 628, 631 (Fed. Cir. 1987). Claims 1, 9, and 13 each recite limitations that are neither disclosed nor suggested by Norris. For example, independent claims 1 and 13 recite *accessing a property valuation database using the collateral identity*. Similarly, independent claim 9 recites *a property evaluation database in communication with the loan processing computer . . .*. Norris simply fails to disclose the use of an independent property valuation database to assess the value of property underlying the loan. The Action cites the text at column 8, lines 54-59 to support the rejection. This text reads as follows:

If the loan is to be secured by collateral, the collateral needs to be identified and its value determined. If the item being purchased can serve as collateral, that fact can be confirmed via communications processor 30 as well as the identity of the

goods and their whereabouts and location of title or a bill of sale.

Nothing in the cited text discloses (or even suggests) consulting an independent property evaluation database. Therefore, Norris cannot anticipate independent claims 1, 9, and 13.

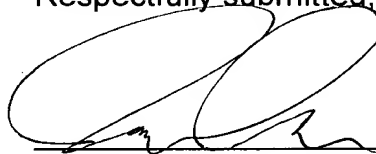
In sum, the rejections are improper and should be withdrawn.

Conclusion

In view of all of the above, all pending claims are believed to be allowable and the case in condition for allowance which action is respectfully requested. Should the Examiner be of the opinion that a telephone conference would expedite the prosecution of this case, the Examiner is requested to contact Applicant's attorney at the telephone number listed below.

No fees are believed to be due for this Response. However, any fee deficiency associated with this submittal may be charged to Deposit Account No. 50-1123.

Respectfully submitted,



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